



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Kevin P. Baker et al.

Serial No.: 10/677,471

Filing Date: October 2, 2003

For: SECRETED AND  
TRANSMEMBRANE  
POLYPEPTIDES AND NUCLEIC  
ACIDS ENCODING THE SAME

Examiner: Nancy T. Vogel

Group Art Unit No.: 1636

The Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

**DECLARATION PURSUANT TO 37 CFR 1.808**

Dear Sir:

I hereby aver that the nucleic acid of SEQ ID NO:82, which encodes the protein of SEQ ID NO:83, was deposited with the American Type Culture Collection (ATCC) on February 5, 1998 and was given ATCC deposit number 209621. Accordingly, the deposited material has been accepted for deposit under the Budapest Treaty on the International Recognition of the deposit of Microorganisms for the Purposes of Patent Procedure and all restrictions on the availability to the public of the material so deposited will be irrevocably removed upon granting of the patent.

The deposited material is identical to the biological material and was in the Applicant's possession at the time the application was filed. The deposit shall be made for a term of at least thirty (30) years and at least five (5) years after the most recent request for the furnishing of a sample of the deposit was received by the depository.

GENENTECH, INC.

Date: March 6, 2006

By: Elizabeth M. Barnes  
Elizabeth M. Barnes, Ph.D.

Title: Patent Attorney